

REMARKS

Claims 1, 2, 5, 9, 10 and 14-17 are pending of which claims 1 and 14-17 are independent.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 2, 5, 9, 10 and 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stefik (U.S. Patent No. 5,629,980, hereinafter “Stefik”) in view of Nagai et al. (U.S. Patent No. 6,754,442, hereinafter “Nagai”). The rejection is respectfully traversed for the following reasons.

Claim 1, in pertinent part, recites “the output time management apparatus acquires an output time management program and the object data from an external medium.” Combination of Stefik and Nagai fails to disclose the above limitations of claim 1.

While the Examiner acknowledged, on paragraph 4 of the Office Action, that Stefik fails to disclose “the output time management program and the object data” is acquired “from an external medium,” Nagai’s external factor is relied on as disclosing the “external medium.” Contrary to the Examiner’s averment, Nagai’s external factor one reason for causing the recording period to be lengthened like a defect of the recording medium. Nagai’s external factor cannot be equated with an external medium such as a removably inserted memory card in the output time management apparatus as the Examiner asserted.

In addition, claim 1, in pertinent part, recites “the output time management program being executed for controlling the output of said object data by the controller.” As illustrated in FIG. 8, one example of what is claimed in claim 1, output of the object data A is suspended and erased if the output time reaches upper limit time. The proposed combination of Stefik and Nagai fails to disclose the above limitations of claim 1

Stefik's time specification in usage rights sets up limitations on the times over which the usage rights are granted to buyers. During the times the usage rights are granted, the buyers can access the digital work. Stetik's time specification in the usage rights program does not control output of digital work, but defines the time period during which granted buyers can access to digital work. (See column 21, line 46- column 22, line 32) This is in direct contrast with what is claimed in claim 1 in which the output of said object data is controlled by the execution of the output time management program by the controller.

Nagai is directed to a recording/reproduction apparatus which switches between a recording operation and a reproduction alternately, as illustrated in FIG. 6. Specifically, Nagai's control of reproduction/recording deals with abnormal situations when the reproduction period tp runs short because the recording period takes long owing to failure of ending of recording within the calculated period tr. In response to an abnormal situation, audio signal is produced without interruption by holding the image of the preceding frame of the video signal. On the contrary, the invention in claim 1 controls the output of the object data by the execution of output time management program by the controller, but not switching between the recording operation and the reproduction operation.

Accordingly, as each and every limitation must be disclosed or suggested by the cited prior art references in order to establish a *prima facie* case of obviousness (*see*, M.P.E.P. § 2143.03) and for at least the foregoing reasons, the combination of Stefik and Nagai fails to do so, it is respectfully submitted claim 1 and claims dependent upon and including all limitations of independent claims 1 are patentable over the combination of Stefik and Nagai.

Claims 14-17 includes either of the above limitations of claim 1 and are therefore patentable over the combination of Stefik and Nagai for the same reasons.

Conclusion

Applicant submits that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicant respectfully requests a prompt favorable reconsideration of this matter.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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